

FILED

J.N

JUL 17 2008

JUL 17 2008

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DARLA BARTHOLOMEW

plaintiff

versus

**UNITED STATES OF AMERICA and
THE DEPARTMENT OF THE NAVY**

defendant

cc 08cv4057
JUDGE DARRAH
MAG. JUDGE DENLOW

COMPLAINT AT LAW

The plaintiff, DARLA BARTHOLOMEW, by attorneys, MUNDAY & NATHAN, makes the following allegations against the defendant, UNITED STATES OF AMERICA and THE DEPARTMENT OF THE NAVY:

1. On the 8th day of February, 2006, the defendant, UNITED STATES OF AMERICA and THE DEPARTMENT OF THE NAVY, either owned, operated managed, maintained or controlled certain premises located at parking lot on the Navy Exchange side of the Navy Exchange Commissary, in the City of Great Lakes, County of Lake, and State of Illinois.

2. On the 8th day of February, 2006, the plaintiff, DARLA BARTHOLOMEW, was a pedestrian lawfully walking along or upon the parking lot on the Navy Exchange side of the Navy Exchange Commissary in the City of Great Lakes, County of Lake, and State of Illinois.

3. It was the duty of the defendant, UNITED STATES OF AMERICA and THE DEPARTMENT OF THE NAVY, to exercise ordinary care and

caution in the ownership, management, maintenance and control of the said premises.

4. Not regarding the duty as aforesaid, the defendant was guilty of one or more of the following careless and negligence acts or omissions:

(a) carelessly and negligently failed to properly inspect the said parking lot on the Navy Exchange side of the Navy Exchange Commissary for ice patches;

(b) carelessly and negligently allowed the said parking lot on the Navy Exchange side of the Navy Exchange Commissary to become and remain in an icy and dangerous condition;

(c) carelessly and negligently failed to remove the the ice patches from said parking lot on the Navy Exchange side of the Navy Exchange Commissary;

(d) carelessly and negligently failed to give timely and sufficient warnings of the icy condition of the said parking lot on the Navy Exchange side of the Navy Exchange Commissary;

(d) assumed a voluntary undertaking to remove the snow and ice and carelessly and negligently plowed the snow in a manner that ice patches were caused to remain and form;

5. As a direct and proximate result of the careless and negligent acts of the defendant, UNITED STATES OF AMERICA and THE DEPARTMENT OF THE NAVY, the plaintiff was caused to fall to the ground while walking upon or along the said area.

6. As a direct and proximate result of the aforesaid, the plaintiff, DARLA BARTHOLOMEW, suffered injuries of a personal and pecuniary nature, including but not limited to, lost wages, medical expenses, pain and suffering, and physical and emotional trauma, all of which are permanent.

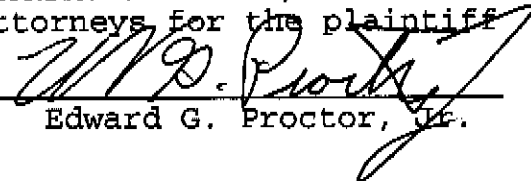
7. This cause of action is brought pursuant to 28 U.S.C. // 2671 commonly known as the Federal Tort Claims Act.

8. That notice of the denial of this claim was served on

plaintiff's counsel on 2/15/08.

WHEREFORE, the plaintiff, DARLA BARTHOLOMEW, asks judgment against the defendant, UNITED STATES OF AMERICA and THE DEPARTMENT OF THE NAVY, in a sum in the amount of One Hundred Fifty Thousand Dollars (\$150,000), which will fairly compensate the plaintiff for the injuries sustained.

33 North Dearborn Street
Suite 2220
Chicago, IL 60602
(312) 346-5678

MUNDAY & NATHAN,
Attorneys for the plaintiff
By: 
Edward G. Proctor, Jr.